HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No. 17064 of 2007

Date 10-8-2007

Between:
The Principal Secretary to Govt.,
Municipal Administration & Urban Development Dept.,
Govt. of A.P., Hyderabad and others.

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PETITIONERS
AND

Sri R. Rama Rao,
Executive Engineer (Rtd.)
Door No. 40-19-5, Faqueer Gudem, Labbipet,
Krishna District.

.....RESPONDENT

THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No.17064 of 2007

ORDER: (per Smt. T.Meena Kumari,J)

The petitioner-Department filed the present writ petition seeking a writ of Certiorari to call for the records relating to and connected with the order dated 14.8.2002 made in O.A. No.6047 of 2001 on the file of the A.P. Administrative Tribunal, Hyderabad and to quash or set aside the same by holding it as erroneous and contrary to law.

The brief facts of the case are that the respondent herein filed O.A. No.6047 of 2001 before the Tribunal seeking a direction to the 1st respondent therein to regularize the period of suspension of the applicant from 13.10.1995 to 13.2.1997. The Tribunal, by the order impugned in this writ petition, while disposing of the O.A. directed the Department to get the enquiry against the applicant be completed of if they chose to do so within four months from the date of receipt of a copy of the said order, failing which, the respondents are directed to release all the retiral benefits to which the applicant is entitled to duly regularizing the period of suspension from 13.10.1995 to 13.2.1997. When the departmental authorities failed to comply with the said order, the respondent filed contempt application, namely, C.A. No.313 of 2003 before the Tribunal. The said C.A was closed by the Tribunal on 4.1.2006 with certain directions. Thereafter, the respondent filed C.M.A. No. 437 of 2006 before the Tribunal. The Tribunal, by the impugned order dated 16.7.2007, directed the petitioners 1 and 2 herein to appear in person. Aggrieved by the said order, the department filed the present writ petition.

Learned Government Pleader for Services-I would submit that by virtue of the orders passed by the Tribunal on 14.8.2002 and on 4.1.2006, the respondent is insisting for payment.

Heard the learned Government Pleader for Services and perused the order of the Tribunal, impugned in this O.A.

The respondent filed C.A. No. 313 of 2003 before the Tribunal alleging disobedience of the order dated 14.8.2002 made in the said O.A., the Tribunal closed the said C.A. observing thus:

> "In compliance of the directions of this Tribunal issued in O.A. No.6047 of 2001, dated 14.8.2002, the respondents have issued G.O. Rt. No.3, dated 2-1-2006 wherein a direction has been given to the Engineer-in-Chief (PH) to take consequential action.
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> In view of the above, the C.A. is closed. It is left open for the applicant to file an application for reopening of the C.A., if the consequential action is not taken within three months from the date of receipt of a copy of this order. Subject to the above, the contemnors are discharged."

Admittedly, the Department filed the present writ petition nearly after a period of five years after the O.A. was disposed of by the Tribunal. Learned Government Pleader is not in a position to show any justifiable reason for filing the writ petition at this belated stage.

Further, when the Department has not fully complied with the order dated 14.8.2002 made in the O.A., the respondent filed the C.M.A. Since the Department has not complied with the order fully, the Tribunal, by the order impugned in this writ petition dated 16.7.2007, directed the petitioners 1 and 2 herein to appear in person.

In the circumstances, we are not inclined to entertain the writ petition. The writ petition is accordingly dismissed. No costs.

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(T. MEENA KUMARI,J)

Date: 10th August, 2007

(G. CHANDRAIAH,J)

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